

## APPENDIX B SUBDIVISIONS\*

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**\*Editor's note:** Ord No 83-40, § 1, adopted July 19, 1983, repealed former App. B, which consisted of §§ 1--6, pertained to subdivisions, and was derived from Ord. No. 55-2, §§ 1--3, adopted April 5, 1955, Ord. No. 63-14, §§ 1--3, adopted Nov. 7, 1963; Ord. No. 68-10, §§ 1, 2, adopted April 14, 1968; and Ord. No. 81-73, § 1, adopted Nov. 17, 1981. Section 2 of Ord. No. 83-40 enacted a new App B to read as herein set out

**Charter references:** Authority, §§ 8.01, 8.02.

**Cross references:** Planning and zoning commission, § 19-21 et seq, additional regulations as to streets, § 20-40 et seq, and App A, § 8A; manufactured home park development, Ch. 24 and App. A, § 7 (7-900 et seq); avigation release, App C.

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### **Sec. 1. Application for approval required; definition.**

Whenever any subdivision of land is proposed to be made and before any contract for the sale of or any offer to sell such subdivision or any part thereof is made by lot numbers and before any permit for the erection of a structure shall be granted by the city government to the subdivider, the owner thereof, or his agent, shall apply in writing to the city planning commission for approval of such subdivision. The application of the subdivider, owner or agent shall conform to the specifications outlined in Section 2, Section 3 and Section 7 of these regulations.

(Ord. No. 83-40, § 2, 7-19-83; Ord. No. 87-45, § 2(A), 8-4-87)

### **Sec. 1A. Definitions.**

*Subdivision* shall mean the division of a lot, tract or parcel of land into two or more lots or other divisions of land, whether by using a metes and bounds description or a deed conveyance or in a contract for deed or by any other manner, for the purpose, whether immediate or future, of transfer of ownership, building development or trailer coach park development, expressly excluding development for agricultural purposes, and shall include resubdivisions.

*Resubdivision* shall mean the division of an existing subdivision together with any change of lot size therein, or with the relocation of any street lines.

(Ord. No. 83-40, § 2, 7-19-83; Ord. No. 88-45, § 2, 6-21-88)

## **Sec. 1B. Exemption from platting requirements.**

The following subdivisions of land shall be exempt from the requirements of Section 1A of this Appendix B, provided the requirements set forth in this section are met:

- (1) Land divided solely because of a partition deed, devise or intestacy and not for developmental purposes, provided the resulting land ownership is consistent with the terms of the partition deed, the probated will or the intestacy law. A plat showing such division and resulting ownership shall be filed with the commission.
- (2) A gift of land, provided the gift is totally a gift for love and affection only and not for developmental purposes, and a timely Federal Gift Tax Return is filed with the Internal Revenue Service. A plat showing the division and the resulting ownership shall be filed with the commission, together with a copy of the Federal Gift Tax Return. In the event the gift was not of sufficient value to require filing a Federal Gift Tax Return, then an affidavit to such effect shall be filed with the plat.

(Ord. No. 88-45, § 3, 6-21-88)

## **Sec. 2. Plat approval.**

### **(A) *Preliminary plat.***

- (1) One mylar original and one 8 1/2-inch by 11-inch or 8 1/2-inch by 14-inch reduced copy of the mylar original of a preliminary plat of any proposed subdivision shall be submitted first to the city planning commission for its approval and then to the city council for its approval before the preparation of the final plat for record. Such preliminary plat shall be filed with the public works department at least 14 days prior to the regular meeting of such body at which approval is requested. This plat shall be drawn to a scale of one inch equals 200 feet, or larger.
- (2) The preliminary plat shall show the proposed subdivision name, or identifying title, and the name of the city, county and state in which the subdivision is located.
- (3) The name and address of record owner, subdivider, engineer, and/or surveyor responsible for the survey and design shall accompany the submission of all preliminary plats to the city.
- (4) The preliminary plat shall show the location of boundary or property lines; width and location of platted streets, alleys and easements within or adjacent to the property being subdivided; present physical features on the land including natural and artificial watercourses, ditches, ravines, culverts, bridges, present structures and any other features directly pertinent to the land being subdivided, location of any existing utilities, pipelines, showing pipe sizes of sewer and water mains; outline of any existing wooded areas and the location, species and size of any important individual trees. A topographic map of the property with contour intervals of two to five feet, with all grades shown thereon tied to city datum, or such datum of any public authority that may be established in the area

shall accompany the submission of all preliminary plats to the city.

- (5) The preliminary plat shall show the legal description of the property including the approximate acreage.
- (6) The preliminary plat shall show the location and the width of the proposed streets, roads, easements, and alleys, building lots and other features and their relationship to streets, alleys and easements in adjacent subdivisions. If there are no adjacent subdivisions thereto, a vicinity map, drawn at a smaller scale, shall be submitted along with the preliminary plat, this map to show the boundaries and ownership of adjacent properties, the location and distance to the nearest subdivisions, and the manner in which the streets, alleys, easements and highways of the proposed subdivision may eventually connect with those of the nearest existing subdivision. The preliminary plat shall also indicate distance ties to existing street center lines, survey lines, and/or intersections, and to existing acreage tract corners.
- (7) Classification and designation of the intended uses of land within the subdivision proposed, setting out residential, retail business, industrial, off-street parking, and all other parcels of land intended to be dedicated to public use, such as schools, parks and playgrounds, and any other special uses or semipublic uses.
- (8) Date, north point and scale of the drawing or subdivision layout.
- (9) (a) Preliminary plats of property in the R-MF-1 and R-MF-2 districts, as well as commercial and industrial property shall be accompanied by an internal traffic circulation plan (plan). This plan shall be submitted as part of the site plan or concept plan submittal package.

The plan shall provide for interconnected access between adjacent nonresidential and R-MF-1 and R-MF-2 properties to serve identified single or multiple centralized access points meeting the city's driveway design and placement standards (section 20-44). The plan shall reflect all proposed driveway access points from subject property to city streets.

These internal routes shall be encompassed within dedicated public access easements reflected on the preliminary plat. The plan shall provide a connection point to the internal traffic circulation network across subject property for each surrounding or abutting property and shall include the construction of a concrete or asphalt driving surface up to the property lines of the abutting properties. Joint access driveways are encouraged by the city for use with the single or multiple centralized access points onto city streets.

In cases where one or more of the properties abutting the subject property have been developed and provisions have been made in these developments to connect to a future internal traffic circulation network when subject tract is developed, the development of subject tract shall include a connection to the internal traffic circulation network of the abutting properties at the

point or points established by the previously developed abutting properties.

- (b) Where the preliminary plat submitted for approval covers only a part of the owner's or subdivider's entire contiguous holding of property or only a part of a larger undeveloped tract under different ownership and the property is zoned nonresidential, R-MF-1 or R-MF-2, a preliminary plan of the prospective future street systems as well as a preliminary plan of the proposed internal traffic circulation network in the part of the holding not included in the preliminary plat submittal shall be furnished with the site plan or concept plan submittal and the street system and internal traffic circulation network proposed in the preliminary plat will be considered in light of adjustments and connections with the preliminary plan of the street system and the internal traffic circulation network proposed for the part of the holding not submitted in the preliminary plat.
  - (c) *Exception.* The internal traffic circulation plan requirements shall not apply to existing developments that have no provisions for internal traffic circulation networks under these requirements but may be applied to revised or new site plans or concept plans of existing developments in cases where extensive reconstruction of the site is proposed.
- (10) Submission of a preliminary plat shall be considered unless the subdivision meets all of the following conditions:
  - (a) The subdivision is a one owner, one lot addition.
  - (b) The total acreage of the subdivision is less than five acres.
  - (c) City owned utility extensions are not required.
  - (d) The subdivision requires no street improvements.
- (11) Approval of the preliminary plat expires at the expiration of 12 months, unless the final plat has been submitted for approval, or an extension has been requested in writing by the property owner, addressed to the director of public works, prior to the expiration of the 12-month period. The director of public works is authorized to extend the expiration date of the preliminary plat for one six-month period. At the end of this six-month extension, the preliminary plat will expire unless the final plat has been submitted for approval. During the 18-month period, any changes in the City of Grapevine Subdivision Ordinance or Construction Standards, must be reflected in the submittal of the final plat and subsequent construction plans.
- (12) A filing fee for each preliminary plat shall be payable by check drawn to the order of the city upon submission of the preliminary plat to the city planning and zoning commission for approval. The filing fees are as follows:

TABLE INSET:

Residential zoning, excluding R-MF-1 and R-MF-2	\$100.00 + \$5.00/lot
Residential zoning, R-MF-1 and R-MF-2	\$100.00 + \$25.00/acre
Commercial and industrial zoning	\$100.00 + \$25.00/acre

(B) *Final plat.*

- (1) After the approval by the city planning commission of the preliminary plat, a final plat shall be prepared and submitted first to the city planning commission for its approval and subsequent recording in the office of the county clerk. One mylar original and one 8 1/2-inch by 11-inch or 8 1/2-inch by 14-inch reduced copy of the mylar original of this final plat shall be filed with the public works department at least 14 days prior to the regular meeting of that body at which approval is requested.
- (2) The final plat shall be clearly and legibly drawn to a scale of one inch equals 100 feet on a sheet 22 inches by 36 inches in size. All figures and letters shown thereon shall be plain, distinct and of sufficient size that they can be easily read. Should more than one sheet be required for the layout, there shall be included with the several large-scaled drawings, a key map showing the entire subdivision, drawn at a smaller scale, with block numbers and street names, this key map to be included upon the first sheet or separately upon a cover sheet of the same size as the large-scale sheets.
- (3) The final plat shall show the subdivision name or identifying title and the name of the city, county and state in which the subdivision is located.
- (4) The name and address of the record owner or subdivider shall accompany the submission of all final plats to the city.
- (5) The final plat shall show the names of adjacent subdivisions; names of streets; the numbers of lots and blocks; the same to be in accordance with a systematic, consecutive numbering arrangement. Names of new streets should, wherever possible, follow or be extensions of existing street names.
- (6)
  - (a) An accurate boundary survey of the property which is being subdivided, noting the bearings and distances of the boundary lines, same being referenced to original survey lines, or established subdivisions showing lines of all adjacent lands and properties; lines of adjacent streets, alleys, and easements, noting width and names of each shall accompany the submission of final plats to the city. Streets, alleys and easements of adjacent subdivisions shall be shown in a different manner than those of the proposed subdivision, preferably dotted.
  - (b) Final plat submittals for property in the R-MF-1 and R-MF-2 districts, as well as commercial and industrial property, shall be accompanied by an internal traffic circulation plan (plan) if no preliminary plat is required for the property. This plan shall be submitted as part of the site plan or concept plan submittal package.

The plan shall provide for interconnected access between

adjacent nonresidential and R-MF-1 and R-MF-2 properties to serve identified single or multiple centralized access points meeting the city's driveway design and placement standards (section 20-44). The plan shall reflect all proposed driveway access points from subject property to city streets.

These internal routes shall be encompassed within dedicated public access easements reflected in the final plat and shall provide for efficient traffic flow through the subject property. The plan shall provide a connection point to the internal traffic circulation network across subject property for each surrounding or abutting property and shall include the construction of a concrete or asphalt driving surface up to the property lines of the abutting properties. Joint access driveways are encouraged by the city for use with the single or multiple centralized access points onto city streets.

In cases where one or more of the properties abutting the subject property have been developed and provisions have been made in these developments to connect to a future internal traffic circulation network when subject tract is developed, the development of subject tract must include a connection to the internal traffic circulation network of the abutting properties at the point or points established by the previously developed abutting properties.

- (c) Where the final plat submitted for approval covers only a part of the owner's or subdivider's entire contiguous holding of property or only a part of a larger undeveloped tract under different ownership and the property is zoned nonresidential, R-MF-1 or R-MF-2, a preliminary plan of the prospective future street systems as well as a preliminary plan of the proposed internal traffic circulation network in the part of the holding not included in the final plat submittal shall be furnished with the site plan or concept plan submittal and the street system and internal traffic circulation plan proposed in the final plat will be considered in light of adjustments and connections with the preliminary plan of the street system and the internal traffic circulation network proposed for the part of the holding not submitted in the final plat.
  - (d) *Exception.* The internal traffic circulation plan requirements shall not apply to existing developments that have not made provisions for internal traffic circulation networks under these requirements but may be applied to revised or new site plans or concept plans of existing developments in cases where extensive reconstruction of the site is proposed.
- (7) The record plat shall indicate the location of all lots, streets, highways, alleys, easements, parks, playgrounds and such other features, with accurate dimensions given in feet and decimals of a foot, showing the length of radii, deflection angles, and of arcs of all curves; tangent distances and tangent bearings shall be given for each street, all such data being complete and precise enough to permit accurate location upon

the ground.

- (8) The final plat shall show the building lines on front and side streets designated by dots, and the location of utility easements designated by short dashed lines.
- (9) The final plat shall bear a properly executed dedication of all streets, highways, alleys, parks and playgrounds, and other lands intended for use of the public, such dedicatory instrument to be signed by the owner, or owners, and by all other persons or parties having a mortgage or lien interest in the property. Any private restriction or any trusteeships intended shall be filed with the final plat, if the same are too lengthy as to permit lettering of same upon the final plat. The decision statement and legal description shall be shown on the final plat.
- (10) A receipt shall be so noted on the final plat or shall accompany the final plat, indicating that all taxes have been paid.
- (11) Proper certification shall be made upon the final plat, by a reputable, registered land surveyor ascertaining that the plan represents a survey made by him and that all necessary monuments are accurately and correctly shown upon the plan. The surveyor shall place such monuments as required by the city or by the city planning commission and they shall be set at all corners and angle points of the boundaries of the original tract to be subdivided and at all street intersections, angle points in street lines and points of curve and at such intermediate points as shall be required by the city. All lot corners are also to be marked with iron pipe markers driven firmly into solid earth. Such monuments shall be of iron pipe not less than three-quarters of an inch in diameter and two feet in length, driven securely into solid earth with the grades of same being at grade with established sidewalk or, if not established, flush with natural grade of the earth's surface.
- (12) Proper blanks for certificate of approval shall be provided on the final plat to be filled out by the city planning commission and the city council, and if the subdivision is outside the city limits but within the city's exclusive extraterritorial jurisdiction, proper blanks for certificate of approval shall also be provided to be filled out by the county commissioner's court.
- (13) The final plat shall show the date, scale and north point.
- (14) (a) Prior to the filing of the final plat, the subdivider shall submit to the city planning commission engineering plans prepared, signed and sealed by a registered professional engineer. The engineering plans shall be filed with the public works department of the city at least seven days prior to the filing of the final plat. These plans shall make adequate provision for all surface and storm drainage within and across the subdivision; shall provide for the construction of a water distribution system including fire hydrants, adequate to serve the subdivision with water with adequate pressure for fire protection, domestic consumption and/or light commercial use together with such mains as may be required to connect with the existing system; shall provide for a sanitary sewer system adequate to serve each lot or building site within the subdivision and shall provide for the construction of such other improvements as may be

required. The subdivider will be required to pay the full cost of all public improvements. Subsequent to the approval of the final plat, detailed construction plans which shall conform to the provisions of this subsection (14) and to the provisions of Appendix E of the City of Grapevine, Texas, Code of Ordinances, as amended, originally adopted by city council as Ordinance No. 87-75, relating to construction standards shall be submitted to the director of public works of the city for approval prior to the commencement of construction.

- (b) 1. The subdivider shall pay for all costs of street paving (including costs for curbs, gutters, sidewalks and driveway aprons) within its proposed subdivision, and, in addition thereto, the subdivider shall pay a periphery street fee in accordance with section 2(B)(14)(f) herein or, at the option of the city; improve to meet the City of Grapevine's current thoroughfare plan and pavement standards, any existing road or street that abuts the proposed subdivision, where said road or street is deemed by the city to be inadequate or substandard according to said thoroughfare plan and pavement standards.
2. With respect to a subdivision which consists of one single lot which is, and during such time as it remains, developed and used for only one single-family residential dwelling unit, the subdivider shall not be required to improve the existing pavement of roads or streets that abut such proposed subdivision but shall be required to pay all costs for curbs, gutters, sidewalks and driveway aprons abutting such single lot in accordance with section 2(B)(14)(f) below. Provided, however, that in the event the use of a single lot subdivision for which such an exemption has been made is changed to a use other than a single-family residential dwelling unit, prior to the issuance of a building permit for such different use, compliance with the requirements of section 2(B)(14)(b)1. above regarding improvement of the pavement of abutting roads and streets shall be required.
3. With respect to a subdivision consisting of one single lot which is developed and used only for a winery and/or wine tasting facility, in an existing building in the Grapevine vintage district, the subdivider shall not be required to improve the existing pavement of roads and streets that abut such proposed subdivision but shall be required to pay all costs for curbs, gutters, sidewalks, and driveway aprons abutting such subdivision in accordance with section 2(B)(14)(f) below. Provided however, that in the event the use of the subdivision for which such exemption has been made is changed to a use other than a winery or wine tasting facility, prior to the issuance of a building permit for such different use, compliance with the requirements of section 2(B)(14)(b)1 above regarding improvements of the pavement of abutting roads and



streets shall be required.

- (c) In the event the city determines that the abutting street should be improved, the subdivider shall improve the roadway to provide a minimum of two traffic lanes, each a minimum of 12 feet in width. Said improvements shall include, but not be limited to, excavation, subgrade preparation, paving, sidewalks, storm drainage facilities, utility adjustments and all necessary appurtenances to upgrade said street or road to meet current City of Grapevine standards and dedicate the necessary right-of-way for said road or street as a condition precedent to the acceptance of the subdivision improvement by the city for maintenance purposes.
- (d) The city may enter into a refunding agreement approved by the city attorney whereby the city will reimburse the subdivider the difference between the cost incurred by the subdivider in constructing the improvements and the cost of the periphery street fee applicable to the new development. Any street assessment funds collected by the city for improvements to a specific road or street may, at the city's discretion, be used to reimburse a subdivider pursuant to a refunding agreement for such street or road. In the event the cost incurred by the subdivider is less than the periphery street fee, the subdivider shall be required to pay to the city the difference between the fee and cost incurred.
- (e)
  - 1. When paving streets or making necessary improvements, the subdivider shall be required to follow the sealed bid procedures applicable to cities pursuant to V.T.C.A., Local Government Code §§ 252.001 et seq., 271.021 et seq.
  - 2. The subdivider shall execute the following certification insuring that Items 1 and 2, noted below in this paragraph (B)14(e)2., Section 2, Appendix B of the Grapevine Code of Ordinances, are included in the private contract to construct the public improvements that are to be dedicated to the City.

#### DEVELOPER PROJECTS

#### REQUIREMENT OF PRIVATE CONTRACT SALES TAX CERTIFICATE

I, \_\_\_\_\_ (NAME), as \_\_\_\_\_ (TITLE), of \_\_\_\_\_, developer of \_\_\_\_\_, hereby certify that the following statements have been incorporated within the contract between my firm and \_\_\_\_\_, contractor on this private development project addressing the requirements of H.B. 11--Sales Tax Exemption Amendment to Section 151.311 of the State Tax Code:

- 1) Title to materials passes to developer at the job site and the City intends to accept the improvements before said improvements will be considered part of the approved project.

- 2) Developer intends to donate the improvements to the City before said improvements are considered part of the approved project.

\_\_\_\_\_ (Signature)

\_\_\_\_\_ (Title)

\_\_\_\_\_ (Date)

\_\_\_\_\_ (Notary)

- (f)
  1. In the event the city determines the periphery street fee should be paid, the subdivider shall pay to the city a fee equal to one-third of the total cost of full width roadway improvements required to upgrade said road or street to meet city standards (including, but not limited to, excavation, subgrade preparation, paving, sidewalks, storm drainage facilities, utility adjustments, engineering and necessary appurtenances) and dedicate the necessary right-of-way for said road or street as a condition precedent to the acceptance of the subdivision improvements by the city for maintenance purposes.
  2.
    - a. With respect to a subdivision consisting of one single lot which is developed and used for only one single-family residential dwelling unit and for which the subdivider is required to pay only for the costs of curbs, gutters, sidewalks and driveway aprons pursuant to section 2(B)(14)(b)(2) above, the subdivider shall pay to the city a fee equal to 100 percent of the estimated cost of such curbs, gutters, sidewalks and driveway aprons.
    - b. With respect to a subdivision consisting of one single lot which is developed and used only for a winery and/or wine tasting facility in an existing building in the Grapevine vintage district and for which the subdivider is required to pay only for the costs of curbs, gutters, sidewalks and driveway aprons pursuant to section 2(B)(14)(b)(3) above, the subdivider shall pay to the city a fee equal to 100 percent of the estimated cost of such curbs, gutters, sidewalks and driveway aprons.
  3. The estimate of the cost of said improvements shall be determined by the director of public works and made available to the subdivider.
  4. No building permits will be issued until all such fees have been paid.
  5. Fees paid pursuant to this section 2(B)(14)(f) shall be placed by the city into a street improvement escrow fund and shall be specifically reserved and used for the improvement of said road or street.
  6. When a thoroughfare adjacent to a subdivision is

improved, there shall not be a curb and gutter assessment levied by the city against the property for which said fee was collected. If the improvement to said road or street does not occur within a 20 year period from the date a fee is so placed on deposit with the city, such fee, including interest earned thereon, shall be paid to the property owners of record at the time such payment is to be made.

7. Subject to the approval of the city council, with respect to a subdivision consisting of one lot (the "property") that is to be platted or replatted with a classification within the commercial or industrial district zoning classifications where it is determined by the City of Grapevine (the "city") that periphery street fees are due, if such total fees are no less than \$20,000.00 or more than \$100,000.00, these fees shall be paid to the city in yearly installment payments of no less than \$10,000.00 per principal payment over a period of time that shall not exceed five years. The initial installment payment of principal shall be due and payable at the time the initial building permit is issued and all subsequent installment payments of principal and accrued interest shall become due and payable on each anniversary date thereafter. To ensure these installment payments are received by the city, the applicant for the subdivision plat or replat shall enter into a contract (including a note and deed of trust) with the city setting forth the terms of payment, which shall bear interest at a rate to be determined by the city, not exceeding the legal limit allowed by law. To secure these payments, the applicant shall file a payment bond payable to the city in the total amount of the periphery street fee due effective for the total installment payment period of time. Further, to secure these payments, the applicant shall grant to the city a first and prior lien against the property to secure the payment of all principal, accrued interest, expense of collection and reasonable attorney's fees, if incurred. Regardless of any default by the applicant and upon the prior written notice of acceleration to the applicant, the city may declare the entire unpaid principal amount and any accrued interest due and payable within 180 days from the notice of acceleration. Provided the city shall commence the construction or repairs contemplated by this Ordinance within two years from the date of the notice of acceleration. In the event of the default in the payment of any sums due from applicant to city, the city may declare all sums (including principal and accrued interest) immediately due without demand or notice by the city to the applicant.

- (g) The provisions contained in section 2(B)(14)(f) requiring the payment of periphery street fees shall not apply to real property owned and used by religious organizations. To qualify as a religious organization for the purposes of this section, an

organization (whether operated by an individual, as a corporation or as an association) must:

1. Be organized and operated primarily for the purpose of engaging in religious worship or promoting the spiritual development or well-being of individuals;
2. Be operated in a way that does not result in accrual of distributable profits, realization of private gain resulting from payment of compensation in excess of a reasonable allowance for salary or other compensation for services rendered, or realization of any other form of private gain; and
3. By charter, bylaw or other regulation adopted by the organization to govern its affairs:
  - a. Pledge its assets for use in performing the organization's religious functions; and
  - b. Direct that, on discontinuance of the organization by dissolution or otherwise, the assets are to be transferred to the State of Texas or to a charitable, educational, religious or similar organization that is qualified as a charitable organization under Section 501(c)(3), Internal Revenue Code of 1986, as amended.

The real property owned by the religious organization which qualifies under this subsection must be used primarily as a place of regular religious worship and is reasonably necessary for engaging in religious worship or is reasonably necessary for use as a residence (but not more than one acre of land for each residence), if the property: Is used exclusively as a residence for those individuals whose principal occupation is to serve in the clergy of the religious organization; and produces no revenue for the religious organization. For the purposes of this subsection, "religious worship" means individual or group ceremony or meditation, education and fellowship, the purpose of which is to manifest or develop reverence, homage and commitment in behalf of a religious faith.

- (h) In the event that additional easements and/or right-of-way dedications are required by the city as a result of conflicts with the approved construction plans and the recorded final plat, the city staff shall require that an amendment plat be filed with the city and recorded in the Tarrant County Plat Records, prior to final acceptance of the construction of the subdivision improvements. This amendment plat will provide an accurate representation of the subdivision with all pertinent easements and right-of-way dedications. The fee for this required submittal will be only the cost to record the amendment plat in the plat records of Tarrant County.

- (15) Approval of the final plat shall expire unless the plat is recorded in the office of the county clerk within a period of six months after date of final approval.
- (16) A filing fee for each final plat shall be payable by check drawn to the order of the city upon the submittal of the final plat to the planning and zoning commission for final approval. The filing fees are as follows:

TABLE INSET:

Residential zoning, excluding R-MF-1 and R-MF-2	\$200.00 + \$5.00/lot
Residential zoning, R-MF-1 and R-MF-2	\$200.00 + \$25.00/acre
Commercial and Industrial zoning	\$200.00 + \$25.00/acre
Amendment Plat	\$200.00
Amendment Plat, To reconcile Right-of-Way or Easement conflicts	\$100.00

- (17) An application and processing fee for each right-of-way or easement abandonment shall be payable by check drawn to the order of the city upon the submittal of the request to city staff in preparation for city council consideration. The application fees are as follows:

Right-of-way . . . \$ 390.00

Easement . . . \$ 390.00

(C) *Replat.*

- (1) Replats shall be subject to all of the requirements stated in Section 2(A) regarding a preliminary plat and shall also be subject to all of the requirements stated in Section 2(B)(1) through Section 2(B)(15) regarding a final plat. In addition to the requirements applicable to a final plat, a final replat shall comply with the requirements stated in subsection (2) through subsection (6) of this subsection (C) when applicable.
- (2) If the replat is submitted for approval before the sale of any lot located within the subdivision being replatted, a written instrument declaring the previous plat to be vacated, duly executed and acknowledged by the owner or owners of the land, shall be submitted first to the city planning commission for its approval and then to the city council for its approval and subsequent recording in the office of the county clerk. Such written instrument shall be submitted simultaneously with the filing of the replat.
- (3) If the replat is submitted for approval after the sale of a lot or lots located within the subdivision being replatted, an application of all the owners of all the lots in the plat to be vacated shall be submitted first to the city planning commission for its approval and then to the city council for its approval and subsequent recording in the office of the county clerk.
- (4) In the event there is no compliance with either subsection (C)(2) or subsection (C)(3), a public hearing shall be held by the city planning commission on any application for a replat without vacation of the immediate previous plat at which parties in interest and citizens shall have an opportunity to be heard. Such replats must be signed and

acknowledged by only the owners of the particular property being resubdivided. Replats filed under this subsection shall not alter, amend or remove any covenants or restrictions nor attempt to do so.

- (5) (a) If any of the proposed area to be resubdivided without vacation of the immediate previous plat was within the immediate preceding five years limited by any interim or permanent zoning classification to residential use for not more than two residential units per lot, or if any lot in the immediate previous subdivision was limited by deed restriction to residential use for not more than two residential units per lot, the requirement in subsections (b) and (c) of this subsection (C)(5) shall apply in addition to the requirements stated in subsection (C)(4)
- (b) Notice of the public hearing before the city planning commission shall be given by publication at least 15 days in advance of hearing being published in an official paper or a paper of general circulation in the county in which the city planning commission is located. Written notice (with a copy of V.T.C.A., Local Government Code § 212.015, attached thereto) of such public hearing shall be forwarded by the city planning commission to owners (as the ownerships appear on the last approved ad valorem tax roll of the city) of all lots in the immediate preceding subdivision plat not less than 15 days prior to the date of such hearing; such notice may be served by depositing the same, properly addressed and postage prepaid, in a post office or postal depository within the boundaries of the city; provided, however, if such immediate preceding subdivision plat shall contain more than 100 lots, such notice shall be mailed only to those owners of lots which are located within 500 feet of the lot or lots which are sought to be replatted or resubdivided.
- (c) The city planning commission shall require in any resubdivision or replatting to which this subsection (C)(5) applies written approval of 66 2/3 percent of all the owners of all lots in such plat, or all the owners of all lots in such plat within 500 feet of the property sought to be replatted or resubdivided if such immediate preceding plat contains more than 100 lots. The provisions of this subsection (c) shall, however, apply only if 20 percent, or more, of the owners, to whom notice is required to be given, of the lots in such plat a portion of which is sought to be replatted or resubdivided file with the city planning commission written protest of such replatting or resubdivision prior to or at the hearing referred to in the notice of the proposed replatting or resubdivision. In computing percentages of ownership, each lot in such subdivision shall be considered equal to all other lots regardless of size or number of owners, and the owners of each lot shall be entitled to cast only one vote per lot.
- (d) Compliance with subsection (b) or (c) of this subsection (C)(5) shall not be required for approval of a replatting or resubdividing of a portion of a prior plat if all of the proposed area sought to be replatted or resubdivided was designated or reserved for usage other than for single-or duplex-family residential usage by notation

on the last legally recorded plat or in the legally recorded restrictions to such plat.

- (6) (a) Notwithstanding any other provision of this subsection (C), the city council and the city planning and zoning commission are authorized to approve and issue an amending plat which is signed by the applicants only, and which is for solely one or more of the purposes set forth in subsections (b) through (k) of this subsection (C)(6), inclusive, and such approval and issuance shall not require notice, hearing or approval of other lot owners.
- (b) The purpose of the amendment is to correct an error in any course or distance shown on the prior plat.
- (c) The purpose of the amendment is to add any course or distance that was omitted on the prior plat.
- (d) The purpose of the amendment is to correct an error in the description of the real property shown on the prior plat.
- (e) The purpose of the amendment is to indicate monuments set after death, disability, or retirement from practice of the engineer or surveyor charged with responsibilities for setting monuments.
- (f) The purpose of the amendment is to show the proper location or character of any monument which has been changed in location or character or which originally was shown at the wrong location or incorrectly as to its character on the prior plat.
- (g) The purpose of the amendment is to correct any other type of scrivener or clerical error or omission as previously approved by the city planning commission or governing body of such city; such errors and omissions may include, but are not limited to, lot numbers, acreage, street names, and identification of adjacent recorded plats.
- (h) The purpose of the amendment is to correct an error in courses and distances of lot lines between two adjacent lots where both lot owners join in the application for plat amendment and neither lot is abolished, provided that such amendment does not attempt to remove recorded covenants or restrictions and does not have a material adverse effect on the property rights of the other owners in the plat.
- (i) The purpose of the amendment is to relocate a lot line in order to cure an inadvertent encroachment of a building or improvement on a lot line or on an easement.
- (j) The purpose of the amendment is to relocate one or more lot lines between one or more adjacent lots, where the owner or owners of all such lots joint in the application for the plat amendment, provided that such amendment does not:
1. Attempt to remove recorded covenants or restrictions; or
  2. Increase the number of lots.

- (k) The purpose of the amendment is to make necessary changes to the prior plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the prior plat if:
1. The changes do not affect applicable zoning and other regulations of the city;
  2. The changes do not attempt to amend or remove any covenants or restrictions; and
  3. The area covered by the changes is located in an area that the city planning and zoning commission and the city council have approved, after a public hearing, as a residential improvement area.
- (l) The purpose of the amendment plat is to relocate drainage and utility easements and street right-of-way due to conflicts between the location of the platted easements and rights-of-way and the physical drainage, utility and street facilities constructed in place. The amendment will insure that existing facilities accepted by the city are located within dedicated easements and rights-of-way.
- (7) A filing fee for each re-subdivision or re-plat shall be payable by check drawn to the order of the city upon the submittal of the re-plat to the planning and zoning commission for final approval. The filing fees are as follow:

TABLE INSET:

Residential zoning, excluding R-MF-1 and R-MF-2	\$300.00 + \$5.00/lot
Residential zoning, R-MF-1 and R-MF-2	\$300.00 + \$25.00/acre
Commercial and industrial zoning	\$300.00 + \$25.00/acre
Plat vacations	\$200.00

- (8) All amended plats that meet the requirements of subsection 2(C)(6) above, as certified to by the director of public works, are hereby and hereinafter approved by the planning and zoning commission and the city council upon receipt of the said certification from the director of public works and thereafter the mayor and the chairman of the planning and zoning commission are authorized to sign said amended plats as approved plats.

(Ord. No. 83-40, § 2, 7-19-83; Ord. No. 85-58, § 2, 9-24-85; Ord. No. 85-80, § 1, 12-3-85; Ord. No. 86-47, § 2, 8-5-86; Ord. No. 87-53, § 1, 9-1-87; Ord. No. 87-75, §§ 2, 3, 11-17-87; Ord. No. 88-04, §§ 2--4, 1-5-88; Ord. No. 88-45, § 4, 6-21-88; Ord. No. 88-46, § 2, 6-21-88; Ord. No. 88-87, § 2, 12-20-88; Ord. No. 89-03, §§ 1, 2, 1-3-89; Ord. No. 89-73, §§ 2--4, 11-7-89; Ord. No. 91-14, § 1, 12-19-91; Ord. No. 91-58, §§ 1--4, 8-20-91; Ord. No. 91-87, § 1, 12-17-91; Ord. No. 92-11, § 1, 3-3-92; Ord. No. 94-51, § 1(Exh. A), 6-21-94); Ord. No. 99-180, § 2, 3, 12-21-99; Ord. No. 2002-85, §§ 2--4, 11-19-02; Ord. No. 2003-35, § 1, 6-3-03)

### **Sec. 3. General requirements.**



- (1) The owner or subdivider of property shall observe the general requirements and principles of land subdivision stated in subsections (2) through (17) of this section 3.
- (2) In general, the proposed subdivision shall conform to the master street and thoroughfare plan that has been formulated and adopted by the city planning commission.
- (3) The arrangement of streets in the subdivision shall provide for the continuation and extension of major and secondary thoroughfares as are shown on the major street plan of the city planning commission. Such thoroughfares shall be of the width designated on the major street plan or as recommended by the city planning commission. Minor residential streets in the subdivision shall provide convenient circulation of local traffic within the subdivision and adequate access to all building lots within the subdivision. Off-center street intersections will not be approved except in unusual cases. Parkways and boulevards shall be of such width as may be designated by the city planning commission. As a general rule, minor residential streets shall not be less than 50 feet wide.
- (4) In order that proper relationship of new subdivision streets may be maintained with adjoining streets and land, the system of streets in a new subdivision, except in unusual cases, must connect with streets already dedicated in adjacent subdivisions. Where no adjacent subdivisions have been platted, there must, in general, be a reasonable projection of streets in the nearest subdivided tracts, and must be continued to the boundaries of the tract subdivided, so that other subdivisions may be connected therewith.
- (5) Where a tract of land is subdivided into parcels that are larger than normal building lots, such parcels shall be arranged to permit the opening of future streets and a logical resubdivision.
- (6) Except in unusual cases, dead-end streets will not be approved unless such dead-end streets are provided in such manner as will permit connection with future streets in adjacent lands. Courts, cul-de-sac or places may be provided where the shape of a portion of the proposed subdivision or where the terrain of the land would make it difficult or unreasonable to plat with connecting streets. These courts, cul-de-sac or places shall be so arranged as to provide access to all lots and shall, generally, not exceed 600 feet in length. A turn-around must be provided at the closed end having an outside right-of-way radius of not less than 50 feet. In general, no reserve strips controlling access to land dedicated, or to be dedicated to public use shall be permitted.
- (7) Block lengths, generally, should not exceed 1,200 feet in length. In blocks of over 800 feet in length, there shall be provided, when recommended by the city planning commission, a utility or pedestrian easement or walk near the center of the block, the walk to be paved to a width of not less than five feet.
- (8) Alleys, or loading courts, of a minimum width of 20 feet paved surface or in lieu thereof adequate off-street loading space, shall be provided in business blocks. Alleys are not required in residential districts, except that same shall be provided where alleys of adjacent subdivisions already platted would be closed or dead-ended by failure to provide alleys in the new subdivision.
- (9) In lieu of alleys, not required in residential districts, easements for public utilities

of not less than five feet shall be provided on each side of rear lot lines if required by the city planning commission. If necessary for the extension of water or sewer mains, or other utilities, easements of greater widths may be required along lot lines or across lots. In all cases, easements shall connect with already established easements in adjoining property. If unplatted property exists to the rear of several lots, a ten-foot public utility easement shall be provided.

- (10) Curb radii at street intersections shall be not less than 20 feet and property lines shall be adjusted accordingly.
- (11) The minimum dimensions for residential lots in a subdivision shall conform to the requirements of the zoning ordinance under which the property was zoned. Trailer coach parks, trailer parks and mobile home parks shall also conform to all ordinances regulating the same. Corner lot shall be increased in size whenever necessary so as to provide that any structure to be placed thereon shall conform to the building line of each street. Double frontage lots are undesirable and should be avoided.
- (12) Side lot lines, insofar as practicable, shall be at right angles or radial to street lines.
- (13) Building lines shall be shown on all lots intended for residential usage. Whenever required by the city planning commission, building lines must be shown on lots intended for business usage.
- (14) The city planning commission may refuse to approve a plat whenever it is evident that adequate water and sewer facilities cannot be supplied within a reasonable time.
- (15) Land subject to flooding and land deemed by the city planning commission to be uninhabitable shall not be platted for residential occupancy, nor shall it be platted for such other uses as may increase danger to health, life or property or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation, or shall not produce unsatisfactory living conditions. The placement of buildings in flood prone areas shall be governed by the city's flood damage prevention ordinance [Article IX of Chapter 7 of this Code]. Minimum slab elevations shall be placed on the face of the plat when required by the city planning commission.
- (16) Sites suitable for parks, schools, playgrounds or other public usage as required should be carefully considered in collaboration with the city planning commission and so indicated upon the preliminary plat so it can be determined which of said sites will conform to the general locations as are indicated upon the master plan and so that they can be duly placed upon the final record plat. It should be explained by the subdivider as to how and when such sites can be acquired by the city. Such sites should be in conformity to the general requirements of the city planning commission in keeping with good, modern city planning principles and shall be of adequate size as recommended by the city planning commission. No stipulated or arbitrary percentage of the subdivision area is required for such sites, but developers should first confer with the city planning commission in order to determine whether or not such sites are needed in the particular area of the city in which the proposed subdivision is located.
- (17) Variations and modifications of the general requirements as above outlined will

be made by the city planning commission when, in its judgment, special or peculiar factors and conditions warrant such variation or modification when such variations do not affect the general application or spirit of the rules and regulations. The city planning commission shall be the judge in all cases regarding the application of the foregoing rules and regulations. Advice and cooperation is offered and will always be freely given by officers of the city planning commission.

(Ord. No. 83-40, § 2, 7-19-83; Ord. No. 91-15, § 1, 2-19-91)

#### **Sec. 4. Extraterritorial applicability--Extension.**

The rules and regulations governing plats and the subdivision of land established in this ordinance are hereby extended in their application to include all of the area within the extraterritorial jurisdiction of the city. The provisions of this ordinance shall have the same force and effect within said area of extraterritorial jurisdiction as within the corporate limits of the city, except as provided in Sections 5 and 6.

(Ord. No. 83-40, § 2, 7-19-83)

**State law references:** See V.T.C.A., Local Government Code §§ 42.001 et seq., 43.001 et seq., 212.003.

#### **Sec. 5. Same--Violation not a misdemeanor therein.**

No violation of any provision of this ordinance outside the corporate limits of the city, but within the city's area of extraterritorial jurisdiction, shall constitute a misdemeanor under this ordinance, nor shall any fine provided for in this ordinance be applicable to a violation within such area of extraterritorial jurisdiction.

(Ord. No. 83-40, § 2, 7-19-83)

#### **Sec. 6. Injunctive and compensatory relief.**

The city council is authorized to file an action to enjoin the violation or threatened violation of this Appendix B by the owner of a tract of land and/or recover damages from the owner of a tract of land in an amount necessary to undertake construction or any other activity necessary to bring about compliance with this Appendix B. For the purposes of this section, the phrase "owner of a tract of land" does not include the owner of an individual lot in a subdivided tract of land.

(Ord. No. 83-40, § 2, 7-19-83; Ord. No. 88-45, § 5, 6-21-88)

#### **Sec. 7. Requirements of the erosion and sedimentation control ordinance.**

All applicants for subdivision of land shall conform to the provisions of the erosion and sedimentation control ordinance found in Appendix F of the Code of Ordinances, City of Grapevine, Texas.

(Ord. No. 87-45, § 2(B), 8-4-87)

#### **Sec. 8. Plat certificates.**

- (1) Upon the approval of a final plat or replat by the planning and zoning commission and the city council, the city council shall issue to the person applying for the approval a certificate stating that the final plat or replat has been reviewed and approved by the city planning and zoning commission and the city council.
- (2) Upon the written request of an owner of land or a public utility, the city council shall make the following determinations regarding the owner's land or the land in which the utility or city council is interested that is located within the jurisdiction of the city:
  - (a) Whether a final plat or a replat is required under this Appendix B; and
  - (b) If a final plat or replat is required, whether it has been prepared and whether it has been reviewed and approved by the city planning and zoning commission and the city council.
  - (c) A request submitted under this subsection must identify the land that is the subject of the request.
- (3) If the city council determines that a final plat or replat is not required, the council shall issue to the requesting party a written certificate of that determination. If the council determines that a final plat or replat is required and that such document has been prepared and has been reviewed and approved by the commission and city council shall issue to the requesting party a written certification of the determination.
- (4) The city council shall make its determination within 20 days after the date it receives the request under subsection (2) of this section and shall issue the certificate, if appropriate, within ten days after the date the determination is made.
- (5) A request submitted pursuant to subsection (2) of section 8 shall be filed with the city public works department. The director of public works (the "director") or his designee shall review the request and submit a recommendation to the city council as to whether a plat or replat is required for the property. Upon receiving the recommendation of the director, the city council shall make its determination and issue the appropriate certificate in accordance with subsection (3) of this section. In reviewing requests under this subsection (5), the director shall comply with the timetable outlined in subsection (4) of section 8.

(Ord. No. 88-45, § 6, 6-21-88; Ord. No. 88-77, § 1, 10-18-88)

## **Sec. 9. Connection of public utilities.**

- (1) An entity described in subsection (2) of this section may not serve or connect any land with water, sewer, electricity, gas or other utility service, unless the entity has been presented with or otherwise holds a certificate applicable to the land and issued under Section 8 of this Appendix B.
- (2) The prohibition established by subsection (1) of this section applies only to:
  - (a) A city, and officials of a city, that provides water, sewer, electricity, gas or other utility service;

- (b) A city-owned or city-operated utility that provides any of those services;  
and
  - (c) A public utility that provides any of those services.
- (3) The prohibition established by subsection (1) of this section applies only to land that an entity described by subsection (2) of this section first serves or first connects with services on or after September 1, 1987.
- (Ord. No. 88-45, § 7, 6-21-88)

**Sec. 10. Underground utilities.**

Final plat submittals shall be required to comply with Appendix E, Article I, Item 1.6, as amended, addressing the requirement for construction of electric, telephone, fiber optic and cable television lines to be underground.

(Ord. No. 96-67, § 1, 8-20-96)